

REMARKS

It is noted with appreciation that the Examiner found allowable subject matter in claims 19-24 and 27-30 and would allow these claims if rewritten in independent form, including the limitations of the base claim and any intervening claims.

On the other hand, independent claims 15 and 26 were rejected under 35 USC 102 as anticipated by Russo (6,097,181). Claims 16, 31, and 32 were rejected for obviousness under 35 USC 103 over Russo and further in view of Gamble (6,489,701). Claims 17, 18, and 25 were rejected for obviousness under 35 USC 103 over Russo, Gamble, and Briley (4,992,623).

Claims 17, 18, and 25 were objected to for misspelling of “buss.” These claims are cancelled without prejudice, thereby rendering the objection moot.

Herein, claim 16 was amended to independent format by inclusion therein of the subject matter of claims 15 and 19. Because claim 19 was found to contain allowable subject matter, it is believed that claim 16 is in condition for allowance. Claim 20 was amended to depend from newly independent claim 16.

Additionally, claims 15, 19, 22, 23, 26, 31, and 32 were cancelled (without prejudice) to accommodate an additional quantity of new claims as explained below.

Accordingly, all of the claims (15-32) presented in the previous amendment, after amendments and cancellations herein, depend directly or indirectly from claim 16, which now contains the allowable subject matter of claim 19. Therefore, it is respectfully submitted that claims 16, 20, 21, 24, and 27-30 are in condition for allowance.

It should be noted that claim 20 was clarified by indicating that hydrogen fuel also serves as a system coolant. In claim 28, a dependent claim, “liquid hydrogen” was changed to “hydrogen,” which is a slightly more generic statement of claim 28.

Independent claim 16 defines a system for powering an electric motor, and the claim limitations include an electric motor. However, the motor is not a novel feature of claim 16. Therefore, new independent claim 33 has been added. Claim 33 is substantially similar to claim 16 except that claim 33 does not include the motor. A manufacturer of a power supply in accordance with the invention would not infringe

claim 16 if he did not furnish the motor. Claim 33 provides a power supply that is connectable to a motor but does not include the motor. The same manufacturer who avoided claim 16 would literally infringe claim 33. It would be unfair to the present inventor if a manufacturer could avoid patent infringement merely by shipping motors separately or if the power supply purchaser acquired motors from a source differing from the power supply manufacturer.

Claim 33 contains the same allowable subject matter as claim 16. Namely, a fuel cell is used in generating the power and is also used as a coolant source in the system. Allowance of claim 33 and claims 34-38 dependent therefrom is earnestly solicited. Dependent claims 34-38 are substantively similar to claims 20, 21, 27-29, dependent on claim 16.

Claim 39 is introduced because the novel power supply of the present invention need not be limited in its use to powering electric motors. The novel power supply including the fuel cell, can be used to power any unit that consumes electric power in a system that benefits from cooling. Thus, claim 39 and claims 40-42 are more generic versions of claims 33 and its dependents. Claims 39-42 include the novelty of claim 16 in that a fuel cell serves the double purpose of generating power and also providing a system coolant. It is respectfully submitted that claims 39-42 are also in condition for allowance.


Because 18 claims were in prosecution when the Office Action issued as a FINAL rejection, care has been taken by means of claim cancellations to assure that no more than 18 claims are in prosecution as a result of this present amendment. In all of the amendments above, reliance was placed upon the original specification, claims, and figures. New matter was not added.

An earnest effort has been made to be fully responsive to the Examiner's objections. It is respectfully believed that independent claims 16, 33, and 39 are in condition for allowance, as well as all claims dependent directly or indirectly therefrom. This amendment is not believed to add new matter, raise new issues, or require additional searching on the part of the Examiner. Entry of the amendment and passage of this case to issue are earnestly solicited.

However, if for any reason the examiner should deem this application not to be in condition for allowance, it is respectfully requested that he telephone the undersigned attorney at the number listed below prior to issuing a further Office Action.

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Respectfully submitted,


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